

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**IN RE METHYL TERTIARY BUTYL
ETHER (“MTBE”) PRODUCTS
LIABILITY LITIGATION**

**Master File No. 1:00-cv-1898
MDL 1358 (VSB)**

This document relates to:

*Commonwealth of Pennsylvania v. Exxon
Mobil Corp., et al.*, No.: 1:14-cv-06228

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. Rule 41(a)(2), or alternatively under Fed. R. Civ. P. Rule 15 or Rule 21,¹ the Commonwealth of Pennsylvania (the “Commonwealth”) and LUKOIL Americas Corporation;² LUKOIL North America LLC; LUKOIL Pan Americas LLC; and PJSC LUKOIL (collectively the “Settling Defendants”), hereby jointly move to dismiss all counts of the Second Amended Complaint (filed in the above-captioned action) against the Settling Defendants with prejudice (the “Joint Motion to Dismiss”). This Joint Motion to Dismiss is made upon the accompanying Memorandum in Support; and any reply brief and/or oral argument that may be submitted or made by the Commonwealth and the Settling Defendants in support of this Joint Motion to Dismiss.

Date: August 14, 2023

Plaintiff, Commonwealth of Pennsylvania, By its attorneys,	Defendants, LUKOIL Americas Corporation; LUKOIL North America LLC; LUKOIL Pan Americas LLC; and PJSC LUKOIL
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¹ See *Jerry Vogel Music Co. v. Edward B. Marks Music Corp.*, 1985 WL 3392, at *8, n.14 (S.D.N.Y. 1985) (citing *Broadway & Ninety-Sixth St. Realty Corp. v. Loew's Inc.*, 23 F.R.D. 9 (S.D.N.Y. 1958)) (“Where voluntary dismissal is sought against fewer than all defendants, it is not clear under which of the three rules it is proper to proceed ... Since the considerations applicable in all four cases are [] substantially identical it is unnecessary to decide whether I am acting under Rule 15(a), Rule 21, Rule 41(a)(2) or none of them.”).

² The allegations against LUKOIL Americas Corporation (“LAC”) were previously dismissed when the Court granted LAC’s motion to dismiss pursuant to Fed. R. Civ. P. Rule 12(b)(6) on August 2, 2021. See Opinion and Order (ECF No. 662). In an abundance of caution, LAC is being included here as one of the Settling Defendants because it is a party to the Settlement Agreement.

<p>/s/ <u>Michael Axline</u> MILLER & AXLINE, P.C.</p> <p>By: Michael Axline Special Counsel to the Commonwealth of Pennsylvania 1050 Fulton Avenue, Suite 100 Sacramento, California 95825-4225 (916) 488-6688 Email: maxline@milleraxline.com</p> <p>BERGER MONTAGUE PC</p> <p>By: /s/ Tyler E. Wren Daniel Berger, Esquire Tyler E. Wren, Esquire Yechiel M. Twersky, Esquire</p> <p>Special Counsel to the Commonwealth of Pennsylvania 1818 Market Street Suite 3600 Philadelphia, Pennsylvania 19103 (215) 875-3000 Email: twren@bm.net danberger@bm.net</p> <p>COHEN, PLACITELLA & ROTH, P.C.</p> <p>By: /s/ Stewart L. Cohen Stewart L. Cohen, Esquire Robert L. Pratter, Esquire Michael Coren, Esquire Eric S. Pasternack, Esquire</p> <p>Special Counsel to the Commonwealth of Pennsylvania Two Commerce Square Suite 2900, 2001 Market St. Philadelphia, Pennsylvania 19103 (215) 567-3500 Email: scohen@cprlaw.com</p>	<p>By their attorneys,</p> <p>/s/ <u>Joseph L. Sorkin</u></p> <p>By: Joseph L. Sorkin Akin One Bryant Park New York, NY 10036-6745 (212) 872-7464 Email: jsorkin@akingump.com</p>
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